UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/720,780 | 11/24/2003 | Donna K. Hodges | BS030350 | 4952 |

38516 7590 09/22/2009

AT&T Legal Department - SZ
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

| EXAMINER | |
|---|---|
| ANTONIENKO, DEBRA L | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3689 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 09/22/2009 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/720,780 | HODGES ET AL. | |
| | Examiner | Art Unit | |
| | DEBRA ANTONIENKO | 3689 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 May 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *2-20* is/are pending in the application.

4a) Of the above claim(s) *1* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This is a Final Office Action in response to communication received 18 May 2009, wherein:

Claim 1 is withdrawn;

Claims 2, 7, 8, 11, 12, 14, 17, and 20 have been amended;

Claims 9 and 13 have been cancelled; therefore,

Claims 2-8, 10-12, and 14-20 are pending.

### *Response to Amendment*

2. Amendments to independent claims 2 and 8 are sufficient to overcome the 35 USC § 101 rejections to claims 2-8, 10-12, and 14-19.

### *Response to Arguments*

3. Applicant states that the double patenting rejection is erroneous because both instant application and U.S. Patent 7,464,179 have the same filing date (page 7 of Response dated 18 May 2009). Applicant is directed to MPEP 804 II B 1(a):

> (a) One-Way Obviousness
>
> If the application at issue is the later filed application or both are filed on the same day, only a one-way determination of obviousness is needed in resolving the issue of double patenting, i.e., whether the invention defined in a claim in the application would have been anticipated by, or an obvious variation of, the invention defined in a claim in the patent. (Emphasis added.)

A double patenting rejection has a two-fold purpose. The first is to prevent the unjustified extension of patent exclusivity beyond the term of a patent. The second

purpose of a double patenting rejection is to ensure that dual ownership for a single invention is not gained. With respect to the instant invention, the question of potential dual ownership of a single invention has not been resolved. Therefore, the double patenting rejection is maintained. See below.

4. Applicant's remarks with respect to limitations not being indefinite (page 7 of Response dated 18 May 2009) are not persuasive. The specific limitations are addressed below under the 35 USC § 112, second paragraph, rejections.

5. Applicant's remark with respect to lack of antecedent basis (page 8 of Response dated 18 May 2009) is persuasive, therefore, the 35 USC § 112, second paragraph, rejection of the limitation "for subsequent processing services" lacking antecedent basis is withdrawn.

6. As to Applicant's remark that Lang does not teach the limitation *auctioning a block of time of usage of the communications services that may be shared between multiple client communications devices* now amended to independent claims 8 and 20 (page 9 of Response dated 18 May 2009), Examiner notes that the limitation is formerly of cancelled dependent claim 13 which was rejected in particular by the Lang and Snelgrove combination. Therefore, in response to applicant's arguments against the Lang reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re*

*Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Double Patenting***

7. Claim 19 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 7,464,179 in view of Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of Snelgrove, U.S. Patent Number 6,535,592 B1 (hereinafter referred to as Snelgrove) in view of Hurwitz, U.S. Patent Number 6,856,963 B1 (hereinafter Hurwitz) in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese). Although the conflicting claims are not identical, they are not patentably distinct from each other.

| U.S. Patent Number 7,464,179 | U.S. Application Number 10/720780 |
|---|---|
| **A method of providing communications services, comprising:** | **A method according to claim 2, wherein providing the communications services comprises:** |
| **when a subcontracted processing service is required,** interrogating the different service provider to fulfill the subcontracted processing service; | **determining a subcontracted processing service is required from a different service provider,** |
| **grouping together individual packets of data as a segment, each of the individual packets of data in the segment requiring the subcontracted processing service;** | **grouping together individual packets of data as a new segment that requires the subcontracted processing service,** |
| **dispersing the segment to the different service provider for fulfillment of the subcontracted processing service;** | **subcontracting the new segment to the different service provider to receive the subcontracted processing,** |

| | |
|---|---|
| **receiving a result of the subcontracted processing service from the different service provider;** | **receiving a** subcontracted **result of the subcontracted processing service,** |

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

### *Claim Objections*

9. Claims 7 and 19 are objected to because "the processing services" lacks antecedent basis. The clause immediately before recites the limitation "subsequent processing services." However, it is unclear what "the processing services" is referring to. Is it the "subsequent processing services" or is there another processing sevice?

### *Claim Rejections - 35 USC § 112*

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 7 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 19 recite the limitations "receiving results... receiving a result," "determining a subcontracted processing service is required," and "for subsequent processing services." It is unclear what Applicant is claiming with these limitations. The claims have a step of "dispersing the segments... for subsequent processing services." The next step is receiving results. However, the dispersing step is only for subsequent processing services. There is no positive recitation of a processing step taking place.

Therefore, it is unclear what results are being received from "the" processing services. There is no antecedent basis for "the" processing services. Thus, is the subsequent processing services not positively claimed, or is there another processing service?

As for the step of determining a subcontracted processing service, it is unclear why this is necessary. Was there an initial determination made that required a second determination as to whether or not a subcontracted service is required? In other words, was some determination made regarding the first service provider that led to the determination requiring a second service provider? Is there a prior determining step? As written, the step of determining a subcontracted service is required does not make sense because it is unclear how this relates to the receiving results of the processing service step.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter Homayoun) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1 (hereinafter Hurwitz).

Regarding **Claim 2**, Lang teaches a method of providing communications services, comprising: submitting a bid to an auction moderator via an online auction to provide the communications services (Figure 1; [0009]; [0015]-[0017]); and providing the communications services ([0068]-[0069]).

Lang uses the phrase *communications queue master* instead of *auction moderator*. Examiner notes that using a different name to describe the same limitations does not effectively serve to patentably distinguish the claimed invention over the prior art.

Lang does not teach receiving, at the auction moderator, a service provider rating from a recipient of the communications services indicating whether the communications services were satisfactorily provided; and providing a recipient rating to the auction moderator in which a service provider indicates whether the recipient of the communications services satisfactorily paid for the communications services.

However, Homayoun discloses receiving a service provider rating from a recipient of the communications services indicating whether the communications services were satisfactorily provided by the service provider (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify*. This is done by the system monitor of the invention and not the communications service provider ([0020]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang

with that of Homayoun to receive ratings of services in order to monitor the services provided.

Furthermore, Hurwitz discloses providing a recipient rating … indicates whether the recipient satisfactorily paid (column 2, lines 17-23; column 4, lines 13-26). Hurwitz states that *[t]he present invention generates objective feedback for transaction participants by monitoring their actual behavior at a variety of well-defined points in the transaction, such as payment and shipping. Timely payments, for example, may upgrade a buyer's rating….* Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing… The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages* ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

Regarding Claim 3, Homayoun further discloses wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lang's method to receive ratings of services in order to monitor the services provided.

Regarding Claim 4, Homayoun further discloses wherein receiving the service provider rating comprises receiving the rating from a client communications device associated with the recipient of the communications services (column 7, lines 12-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to receive ratings of services from a client communications device in order to provide convenient and timely ratings.

Regarding Claim 5, Hurwitz does not explicitly disclose wherein providing the recipient rating comprises indicating the recipient's credit card accepted charges for the communications. However, Hurwitz discloses that *[t]ransaction services intermediary receives information about the transaction from the auction site, the buyer, and the seller and coordinates fulfillment of these functions by interacting with other entities such as… credit card companies* (column 2, line 64 - column 3, line 29). It is well known that when purchasing by credit card, acceptance or refusal is indicated almost immediately. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to include credit card transactions in the recipient rating as using a credit card to pay online is very popular.

14. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz and further in view of English.

Regarding Claims 6 and 18, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to provide the ratings of services in order for customers to make a more informed choice.

15. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 7, Kato discloses a wherein providing the communications services comprise: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the processing services ([0059]; [0067]-[0069], determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ... processing service, aggregating the results of the processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream

via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lang, Homayoun, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user application* (column 11, lines 27-35). Furthermore, Giese discloses that *[e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information… The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services* (column 13, lines 1-15). Furthermore, Giese discloses that *[c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality… move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment…* (column 1, lines 10-60). Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Homayoun, Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

16. **Claims 8-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of Snelgrove, U.S. Patent Number 6,535,592 B1 (hereinafter referred to as Snelgrove) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1(hereinafter Hurwitz).

Regarding **Claims 8 and 20**, Lang teaches a method and computer program product, respectively, of providing communications services, comprising: auctioning a block of time of usage of the communications services ([0012]; [0015]-[0017]); receiving a bid at a processor for the block of time during an online auction (Figure 1; [0009]; [0015]-[0017]); providing the communications services ([0068]-[0069]).

Lang does not teach that may be shared between multiple client communications devices. However, Snelgrove teaches that may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Snelgrove to offer sharing in order to provide convenience to the customer.

Lang does not teach providing a recipient rating at the processor in which a service provider of the communications services indicates whether the recipient of the communications services satisfactorily paid for the block of time. However, Hurwitz discloses providing a recipient rating ... indicates whether the recipient satisfactorily paid (column 2, lines 17-23; column 4, lines 13-26). Hurwitz states that *[t]he present invention generates objective feedback for transaction participants by monitoring their actual behavior at a variety of well-defined points in the transaction, such as payment and shipping. Timely payments, for example, may upgrade a buyer's rating....* Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing... The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages* ([0021]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove combination with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

Regarding Claim 10, Snelgrove further teaches wherein the block of time comprises at least one of i) a maximum data transfer rate and ii) a minimum data transfer rate (column 6, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to use minimum data transfer rate in order for customers to make a more informed choice.

Regarding Claim 11, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple recipients of the communications services (column 5, lines 41-43 and lines 61-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 12, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple telephone numbers (column 6, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 13, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 14, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple client communications devices associated with multiple users (column 6, lines 55-60; column 7, lines 1-13). It

would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 15, Snelgrove further teaches negotiating with a group of recipients for the communications services, the group comprising recipients willing to pay for the communications services and recipients unwilling to pay for the communications services, wherein the recipients willing to pay for the communications services are permitted to sponsor the recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

Regarding Claim 16, Snelgrove further teaches wherein providing the communications services comprises providing the communications services to both recipients willing to pay for the communications services and recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

17. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz and further in view of Homayoun, U.S. Patent Number 5,970,121 (hereinafter Homayoun).

Regarding Claim 17, Homayoun further discloses wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz with that of Homayoun to receive ratings of services in order to monitor the services provided.

18. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz and further in view of English.

Regarding Claim 18, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz with that of English to provide the ratings of services in order for customers to make a more informed choice.

19. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 19, Kato discloses a wherein providing the communications services comprise: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the processing services ([0059]; [0067]-[0069], determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ... processing service, aggregating the results of the processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lang, Snelgrove, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user application* (column 11, lines 27-35). Furthermore, Giese discloses that *[e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information… The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services* (column 13, lines 1-15). Furthermore, Giese discloses that *[c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality… move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment…* (column 1, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

***Conclusion***

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBRA ANTONIENKO whose telephone number is (571)270-3601. The examiner can normally be reached on Monday through Thursday, 7:00 AM to 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689